

# **EXHIBIT F**

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UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,  
Plaintiff

V. Case No. 04-11193NG

TIMOTHY CALLAHAN, FRANCIS  
M. ROACHE, PAUL MURPHY,  
RICHARD WALSH, and THE  
CITY OF BOSTON,  
Defendants

DEPOSITION OF TRACIE PEAKS, a  
witness called to testify by and on behalf of  
the Defendants, pursuant to the applicable  
rules of the Federal Rules of Civil  
Procedure, before M. ELAINE GANSKA, a  
Stenographic Reporter and Notary Public in  
and for the Commonwealth of Massachusetts, at  
the offices of Bonner Kiernan Trebach &  
Crociata, Attorneys at Law, One Liberty  
square, Boston, Massachusetts, on Friday,  
April 28, 2006, commencing at 10:17 a.m.

FEDERAL COURT REPORTERS  
781-585-6741 978-535-8333

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(Subpoena and summons premarked  
Deposition Exhibit Number 12 for  
identification)  
STIPULATIONS  
It is hereby stipulated and agreed  
by and between Counsel for the respective  
parties and the Deponent that the Deponent  
shall read and sign the deposition transcript  
within 30 days of receipt under the pains and  
penalties of perjury.  
It is further stipulated that all  
objections, except as to form, and motions to  
strike are reserved to the time of trial.  
PROCEEDINGS  
TRACIE PEAKS, a witness called for  
examination by Counsel for the Defendants,  
having been satisfactorily identified and  
duly sworn, was examined and testified as  
follows:  
EXAMINATION BY MR. CURRAN  
Q. Mrs. Peaks-Sandy, my name is Hugh Curran. I  
represent Detective Richard Walsh.  
Before we begin today, I'm just  
going to give you a few instructions, and

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Page 2

APPEARANCES  
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ON BEHALF OF: The Deponent

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TRACIE PEAKS  
Examination by Mr. Curran  
  
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that's for the benefit of everybody that's  
here today including yourself. If at any  
time you need to take a break for any reason,  
whether it's to speak to your attorney, to  
use the facilities, to get up and stretch,  
just indicate to me that you'd like to take a  
break, and we'll take a break at the  
appropriate time. If at any time you do not  
understand a question that I ask you, just  
indicate that you don't understand the  
question, and I'll try to rephrase it in a  
manner to the best of my ability so you'll  
understand what we're looking for. It's  
presumed that if you answer a question that  
you understood the question and that you're  
answering it truthfully and accurately to the  
best of your ability. Do you understand  
that?  
A. Mm-hmm.  
Q. Okay. There's a few rules that we're going  
to have this morning. It's very important  
that you give a verbal response because if  
you nod your head or shrug your shoulders,  
the court reporter can't take everything

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down, all right? It's also important that  
you wait for me to finish asking my question,  
and in return I'll wait for you to finish  
giving your answer to the question. If we  
speak both at the same time, the court  
reporter is going to yell at us because  
she'll have problems keeping a transcript of  
what is taking place this morning.  
Do you have any questions before  
we begin?  
A. No.  
Q. Okay. Would you please state your full name  
for the record?  
A. Tracie Peaks-Sandy.  
Q. Is that hyphenated?  
A. Yes.  
Q. Okay. What is your date of birth?  
A. 3/10/72.  
Q. Okay. Now, Ms. Peaks, I'm going to show you  
what's been marked as Exhibit 12, and that's  
the original subpoena and summons that was  
sent to you in this matter, in this package  
(handing document). Take an opportunity to  
take a look at it.

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1 I don't want to know the substance of that.  
 2 Have you reviewed any documents?  
 3 A. I mean he sent me the transcripts, but I  
 4 really didn't want to read them.  
 5 Q. Okay. When you say "transcripts," the  
 6 transcripts that were provided to your  
 7 attorney by my office which is your grand  
 8 jury testimony, your trial testimony and your  
 9 motion for new trial testimony and your  
 10 affidavit that was signed?  
 11 A. Yes, I suppose all of that was in the  
 12 package.  
 13 Q. Okay. Did you review any of that?  
 14 A. Very lightly. I think the first page. I  
 15 don't even know which document it was.  
 16 Q. Okay. Did you speak with anybody about your  
 17 deposition testimony?  
 18 A. No.  
 19 Q. Okay. Did you speak to your mother?  
 20 A. No.  
 21 Q. Did you review your mother's deposition  
 22 testimony?  
 23 A. No.  
 24 Q. Okay. Did you speak with Ms. Scapicchio or

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1 her associate, Michael Reilly, or anyone in  
 2 their offices?  
 3 A. No, not about today.  
 4 Q. Okay. Now when you -- after you received  
 5 your -- the notice to appear for a deposition  
 6 back in February, did you contact anyone?  
 7 A. I contacted Rosemary a little while after. I  
 8 don't remember exactly when I contacted her,  
 9 though.  
 10 Q. And what was the substance of your  
 11 conversation with Rosemary Scapicchio at that  
 12 time?  
 13 A. I just asked her, "Why am I getting called  
 14 again?" Why -- you know, "Why do I have to  
 15 go through this again?" And she just said --  
 16 I forgot exactly. I think he's suing the  
 17 state or something like that, and you guys  
 18 are just going through the motions again or  
 19 something like that.  
 20 Q. Okay. All I need to know is what your memory  
 21 is today of the substance of that whole  
 22 conversation, if you can give it to me to the  
 23 best of your ability.  
 24 A. Yeah. It was, why again, and I think he's

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1 suing the state, and can I get a lawyer or do  
 2 I need a lawyer, and that was my choice  
 3 whether or not to get a lawyer. So I found  
 4 my lawyer.  
 5 Q. Okay. Did you discuss your previous  
 6 testimony at all?  
 7 A. No.  
 8 Q. Okay. Did you discuss the substance of any  
 9 of your previous testimony?  
 10 A. No.  
 11 Q. Okay. Did you discuss your affidavit?  
 12 A. No.  
 13 Q. Have you ever at any point after you  
 14 testified in the motion for new trial  
 15 discussed your affidavit with Shawn Drumgold  
 16 or any of his attorneys?  
 17 A. No.  
 18 Q. Did you speak to your mother about her  
 19 deposition testimony?  
 20 A. I didn't question her about it. She just  
 21 told me, "Oh, Trai, you claimed bankruptcy?"  
 22 She told me how you guys told her that I  
 23 claimed bankruptcy.  
 24 Q. Okay. You came for your mother- at her

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1 deposition here, correct?  
 2 A. Mm-hmm.  
 3 Q. All right. And you waited for her for a  
 4 period of time, and then you went home?  
 5 A. I went downstairs.  
 6 Q. Okay. And you waited for her?  
 7 A. (Nods head)  
 8 Q. And when she finished here, you had a  
 9 conversation of what took place?  
 10 A. Not really, because I mean the first thing  
 11 out of her mouth was I claimed bankruptcy.  
 12 Q. Okay. Did you speak to her at any time about  
 13 what her deposition testimony was?  
 14 A. No.  
 15 Q. Okay. So that was the whole substance of  
 16 your conversation relative to these  
 17 proceedings?  
 18 A. Yes.  
 19 Q. Okay. Have you spoken to anyone else?  
 20 A. No.  
 21 Q. Okay. After you graduated from high school,  
 22 where did you work that summer before you  
 23 went to Northeastern?  
 24 A. I don't remember. I don't remember.

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1 Q. Okay. Why don't you tell me what your work  
 2 history has been like since then, 1990, when  
 3 you went to Northeastern.  
 4 A. 1991 I believe I worked for the bank.  
 5 Q. Which bank?  
 6 A. At that time it was called Boston Five, I  
 7 think.  
 8 And after the bank --  
 9 Q. For how long did you work at the bank?  
 10 A. I think it was a year.  
 11 Q. And what was your responsibilities at the  
 12 bank?  
 13 A. A teller.  
 14 Q. All right. And which bank was that?  
 15 A. It was I think the Boston Five in Mattapan  
 16 Square.  
 17 Q. Okay. It wasn't Citizens?  
 18 A. No.  
 19 Q. Okay. And who did you report to? Do you  
 20 recall your supervisor or boss?  
 21 A. Norma.  
 22 Q. Norma what?  
 23 A. I forgot her last name.  
 24 Q. Was she the branch manager?

Page 72

1 A. Yes.  
 2 Q. Okay. Is it still the Boston Five?  
 3 A. No.  
 4 Q. What is it now, do you know?  
 5 A. I think -- I think Citizens. It was sold  
 6 like a couple of times, but I think  
 7 Citizens --  
 8 Q. Why did you leave your employment with Boston  
 9 Five?  
 10 A. Because I got robbed.  
 11 Q. Okay. And that was while you were a teller?  
 12 A. Mm-hmm.  
 13 Q. All right. And then because of that  
 14 experience you decided to quit?  
 15 A. Yep.  
 16 Q. All right. You weren't terminated?  
 17 A. No.  
 18 Q. Okay. And then where did you go next to  
 19 "work"?  
 20 A. I think I went to the post office.  
 21 Q. Okay. And in what capacity did you work at  
 22 the post office?  
 23 A. I did the Ellison (phonetic) machine, clerk.  
 24 Q. For how long did you work for the United

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1 A. I didn't think about it then.  
 2 Q. Okay. Well you went to the -- you had a  
 3 pretty shallow feeling when you left seeing  
 4 her on the sidewalk that evening on Humboldt,  
 5 correct?  
 6 A. Really, to be honest, you know, I was just  
 7 glad it wasn't my sister.  
 8 Q. Okay.  
 9 A. I'm sorry I felt -- I didn't feel, you know,  
 10 but I was just glad it wasn't my sister.  
 11 Q. So the first time you felt that in regards to  
 12 no one's ever going to find the killer of  
 13 this poor little girl was in 2003 when the  
 14 investigator appeared at your house?  
 15 MS. SCAPICCHIO: Objection.  
 16 A. No, I mean it's always been on my mind, you  
 17 know? I know what they did to me, made me  
 18 get on that stand, and in the streets you  
 19 hear that the police knew it wasn't Shawn and  
 20 stuff like that and --  
 21 Q. Okay. Well, what did you hear on the  
 22 streets?  
 23 A. Just hear people talking, just hearing them  
 24 saying that all the police know that it

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1 wasn't Shawn. I think it was even in the  
 2 paper one time, that they knew it wasn't him,  
 3 and I just always said, "Well, what about  
 4 that little girl?" You never -- you hear  
 5 them say that he didn't do it, but you never  
 6 hear them say, well, we going to try to find  
 7 out what happened to the little girl, who  
 8 really did it.  
 9 Q. Okay. Who did you -- did you hear people on  
 10 the street talk about the murder and who was  
 11 involved in your neighborhood?  
 12 A. Not really. I mean you hear people in  
 13 passing.  
 14 Q. All right.  
 15 A. I didn't stand on any corner with anybody and  
 16 talk about it.  
 17 Q. Okay. These people that you heard talking  
 18 about the -- that Shawn didn't do it, they  
 19 knew that you were a witness in the case?  
 20 A. Nope.  
 21 Q. So no one in the neighborhood ever knew that  
 22 you testified?  
 23 A. If they knew, they didn't let me know.  
 24 Q. Okay. Your name was in the paper, correct?

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1 A. Yes.  
 2 Q. Back in 1988, '89? \*  
 3 A. Yes.  
 4 Q. All right. And you were on TV -  
 5 A. My name.  
 6 Q. -- back in '88 and '89?  
 7 A. My name, not my face.  
 8 Q. Okay. And every night there was reports,  
 9 correct?  
 10 A. Yes.  
 11 Q. Your mother was watching TVs and reading the  
 12 paper, correct?  
 13 A. Yes, she was.  
 14 Q. And she would tell you when your name or --  
 15 appeared in the paper and on TV?  
 16 A. She didn't tell me. I'd just hear her. She  
 17 said she called them and told them I was a  
 18 minor and don't be publishing my name and my  
 19 face in the paper, and they still -- they  
 20 said they wouldn't do my face, but they  
 21 published my name.  
 22 Q. Who did she call?  
 23 A. I don't remember specifically who she talked  
 24 to. I know she was mad at the black woman on

Page 220

1 Channel 5 News.  
 2 Q. Okay.  
 3 A. I don't know her name.  
 4 Q. All right. Did she call and talk to the DA  
 5 about this?  
 6 A. I don't know. I know she was very upset.  
 7 Q. All right. After the -- so the investigator  
 8 stayed for a half-hour?  
 9 A. About that.  
 10 Q. Okay. Anyone come in during the course of  
 11 your interview with the investigator?  
 12 A. No.  
 13 Q. All right. And after he left, did you speak  
 14 to anyone about the conversations with the  
 15 investigator?  
 16 A. No.  
 17 Q. Did you tell your mother that you had spoken  
 18 to him?  
 19 A. No. No.  
 20 Q. Did you tell Mr. Fenderson?  
 21 A. No, he told her.  
 22 Q. Okay. Did you ever talk to Ramona Brantley's  
 23 parents about your involvement?  
 24 A. No.

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1 Q. Okay. In 1988, '89 you were still going over  
 2 there regularly, correct?  
 3 A. Yep.  
 4 Q. And they saw your name in the paper and on  
 5 TV?  
 6 A. Probably. They never mentioned it.  
 7 Q. Okay. So they never talked to you about it?  
 8 A. No.  
 9 Q. All right. Do you recall the next time the  
 10 investigator contacted you?  
 11 A. No. I don't know if he did. I don't know.  
 12 No, I don't.  
 13 Q. Okay. Well you had to sign an affidavit,  
 14 correct?  
 15 A. Yeah.  
 16 Q. Was the affidavit sent to you in the mail?  
 17 A. No. No, he did come by.  
 18 Q. All right. And how long did he stay the  
 19 second time he came by?  
 20 A. That was a quick second, just for me to sign  
 21 it.  
 22 Q. Okay. And the extent of his involvement with  
 23 you on that day was just here's the  
 24 affidavit, sign it?

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1 A. Yes.  
 2 Q. Didn't talk to you about any other further  
 3 information that you may have?  
 4 A. No. I think that we even did it outside,  
 5 sign it and he left.  
 6 Q. And did you read it before you signed it?  
 7 A. I glanced over it.  
 8 Q. Okay. When you say you glanced over it, did  
 9 you read every --  
 10 A. Not every word for word.  
 11 Q. Okay. You glanced over it and you signed it?  
 12 A. (Nods head)  
 13 Q. Did he leave you a copy?  
 14 A. I'm not sure. I'm not sure if I have a  
 15 copy. I'm not sure.  
 16 Q. Okay.  
 17 A. No, I don't think he did that day.  
 18 Q. Okay. And did he ever return to speak to  
 19 you?  
 20 A. No.  
 21 Q. Were you advised that this was an  
 22 investigator that was retained by Rosemary  
 23 Scapicchio in defending Shawn Drumgold?  
 24 A. I don't think he mentioned Rosemary's name,



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1 but he said he was working for Shawn  
2 Drumgold.  
3 Q. Okay. And do you recall, did you ever speak  
4 to Rosemary before you signed the affidavit?  
5 A. I don't know if I knew her name during that  
6 time.  
7 Q. Okay. The question is, did you ever speak  
8 with her over the phone or in person prior to  
9 you signing the affidavit on May 28th, 2003?  
10 A. I don't believe so.  
11 Q. Okay. At any time prior to today, have you  
12 met Rosemary in person outside of the  
13 courtroom?  
14 A. Yeah - no, not outside the courtroom.  
15 Q. Okay. Had you ever spoken to her outside the  
16 courtroom?  
17 A. Yes.  
18 Q. Okay. Why don't you tell me the first time  
19 you spoke to her.  
20 A. I think it was this year I called her before  
21 this to find out, you know, what's going on.  
22 Q. Okay. That's when you called her that you  
23 got a subpoena and why did I get this?  
24 A. Mm-hmm.

Page 224

1 Q. That you already testified earlier today  
2 about?  
3 A. Yes.  
4 Q. Okay. Before you testified at the motion for  
5 new trial where you went to court now the  
6 third time, the first time the grand jury,  
7 the second time the trial of Shawn Drumgold,  
8 and then the third time being the motion for  
9 new trial --  
10 A. (Nods head)  
11 Q. - had you ever spoken to Rosemary Scapicchio  
12 over the phone or in person before you  
13 testified?  
14 A. No, I don't recall, so.  
15 Q. Okay. No, you didn't, or, no, you don't  
16 recall?  
17 A. I don't recall.  
18 Q. All right. Do you remember any conversations  
19 with Rosemary outside the courtroom at any  
20 tune other than the phone call you just spoke  
21 about?  
22 A. No.  
23 Q. All right. So when you showed up at the  
24 motion for new trial, you had not talked to

Page 225

1 her, and she had not prepared you as a  
2 witness?  
3 A. No.  
4 Q. Had the investigator come back after you  
5 signed the affidavit and discussed your  
6 testimony?  
7 A. The investigator discussed my testimony --  
8 Q. Yes.  
9 A. - when?  
10 Q. After you signed the affidavit and before you  
11 testified at the motion for new trial, did  
12 anyone on behalf of Shawn Drumgold approach  
13 you?  
14 A. No.  
15 Q. Okay. How did you know when to go to court  
16 to testify at the motion for new trial?  
17 A. There was a summons.  
18 Q. Okay. Were you handed the summons, or was it  
19 in the mail?  
20 A. I believe it was in the mail. I don't  
21 remember signing for anything.  
22 Q. Okay. Did the summons have a name and a  
23 phone number on it?  
24 A. I don't remember.

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1 Q. As a result of the summons, did you call  
2 anyone to discuss what this was all about?  
3 A. No.  
4 Q. Okay. So you just showed up at the date and  
5 time that the summons indicated?  
6 A. Yes.  
7 Q. And who did you go to the courthouse with on  
8 that day?  
9 A. My mother.  
10 Q. Anyone else?  
11 A. No.  
12 Q. When you went to the courthouse, do you  
13 recall where you went?  
14 A. I believe we went to the cafeteria.  
15 Q. All right. And were you waiting for someone  
16 in the cafeteria?  
17 A. No, we were just waiting to be called.  
18 Q. Okay. So you went to the courthouse and went  
19 directly to the cafeteria, didn't check in  
20 with anybody?  
21 A. I don't remember. I know we were sitting in  
22 the cafeteria forever. I'm pretty sure we  
23 had to check in.  
24 Q. Did you see the investigator that you had

Page 227

1 previously spoken to on that day?  
2 A. I don't -- if I did, I don't remember what he  
3 looks like.  
4 Q. Okay.  
5 A. I know he sat in my house and everything, but  
6 I couldn't identify --  
7 Q. Did anyone else come to your house to speak  
8 to you?  
9 A. No.  
10 Q. Between signing the affidavit and your  
11 testimony at the motion for new trial?  
12 A. No.  
13 Q. Did anyone from the Suffolk County District  
14 Attorney's Office contact you?  
15 A. I believe they did. They did.  
16 Q. Okay. Do you recall who?  
17 A. I don't know their names.  
18 Q. Well did they come to see you in person, or  
19 over the phone did they call you?  
20 A. I know they came to the house.  
21 Q. Okay.  
22 A. A black guy and a white guy, and when I came  
23 out the door, I told them, "Don't get  
24 comfortable. I'm not talking to anyone.

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1 I'll be in court."  
2 Q. Okay. So you didn't speak to them?  
3 A. No.  
4 Q. About your involvement?  
5 A. No.  
6 Q. At all?  
7 A. No.  
8 Q. Okay. Did you ask them to leave?  
9 A. Yes.  
10 Q. And did they leave?  
11 A. Yes.  
12 Q. Okay. Were they polite?  
13 A. Yes.  
14 Q. Okay. They give you a bad time?  
15 A. No.  
16 Q. Okay. And that's when they left, and you  
17 went to court subsequent to that date?  
18 A. Yes.  
19 Q. All right. And you didn't speak to anyone  
20 beforehand?  
21 A. No.  
22 Q. And then you testified at the motion for new  
23 trial?  
24 A. Yes.

Page 1

1 UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2 -----X  
3 SHAWN DRUMGOLD,  
Plaintiff

4

5 V. Case No. 04-11193NG

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7 TIMOTHY CALLAHAN, FRANCIS  
M. ROACHE, PAUL MURPHY,  
8 RICHARD WALSH, and THE  
CITY OF BOSTON,  
Defendants  
9 -----X

10

11 CONTINUED DEPOSITION OF TRACIE  
12 PEAKS, a witness called to testify by and on  
13 behalf of the Defendants, pursuant to the  
14 applicable rules of the Federal Rules of  
15 Civil Procedure, before M. ELAINE GANSKA, a  
16 Stenographic Reporter and Notary Public in  
17 and for the Commonwealth of Massachusetts, at  
18 the offices of Bonner Kiernan Trebach &  
19 Crociata, Attorneys at Law, One Liberty  
20 Square, Boston, Massachusetts, on Monday,  
21 September 15, 2006, commencing at 1:10 p.m.

22

23 FEDERAL COURT REPORTERS  
24 791-585-6741 978-535-8333

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ON BEHALF OF: Defendant Walsh

8

9 DAVIS, ROBINSON & WHITE  
10 BY: WILLIAM M. WHITE, JR., Attorney at Law  
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11 South Market Building  
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ON BEHALF OF: Defendant Murphy

12

13 HOGAN, ROACHE & MALONE  
14 BY: JOHN P. ROACHE, Attorney at Law  
66 Long Wharf  
15 Boston, Massachusetts 02110  
ON BEHALF OF: Defendants Roache and City  
of Boston

16

17 MORGAN, BROWN & JOY  
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19 Boston, Massachusetts 02109  
ON BEHALF OF: Defendant Callahan

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21 BRUCE W. CARROLL, Attorney at Law  
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22 Boston, Massachusetts 02109  
ON BEHALF OF: The Deponent

23

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3 TRACIE PEAKS

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Page 4

1 PROCEEDINGS

2 TRACIE PEAKS, a witness called for  
3 examination by Counsel for the Defendants,  
4 having been satisfactorily identified and  
5 duly resworn, was examined and testified as  
6 follows:

7 EXAMINATION BY MR. ROACHE

8 Q. Good afternoon, Ms. Peaks. My name is John  
9 Roache, and I represent the City of Boston  
10 and Former Police Commissioner Francis M.  
11 Roache, no relation, in this action brought  
12 by Shawn Drumgold.

13 Your deposition was taken earlier  
14 this year, is that correct —

15 A. Yes.

16 Q. -- the beginning of your deposition?  
17 Do you recall what day it was  
18 taken?

19 A. No.

20 Q. Do you recall what month it was taken?

21 A. I think -- no, I'm not — I don't know. I  
22 don't remember. It was either March or  
23 April, I think.

24 Q. Okay. Where do you currently reside?

Page 5

1 A. 65 Capen Street.

2 Q. C-A-P-E-N?

3 A. Yes.

4 Q. So you've moved since your last deposition?

5 A. Yes.

6 Q. Okay. And where is Capen Street located?

7 A. Dorchester.

8 Q. What's the ZIP?

9 A. 02124.

10 Q. And your home phone number?

11 A. I just use my cell. 617-820-6962.

12 Q. And with whom do you live there?

13 A. Myself and my children.

14 Q. And just refresh my memory. What were the  
15 names of your children?

16 A. Master and Rullah.

17 Q. And they both attend Bedford Public Schools?

18 A. Just the oldest.

19 Q. Master does?

20 A. Yes.

21 Q. What grade is Master in now?

22 A. Second. No, fourth.

23 Q. And where does Ullah (phonetic) —

24 A. Rullah.

Page 6

1 Q. -- attend school?

2 A. ELC on Columbia Road.

3 Q. Alternative Learning Center?

4 A. Hmm-mm, ELC, Early Learning Center.

5 Q. Oh, Early Learning Center.

6 And that's on Columbia Road?

7 A. Mm-nmm.

8 Q. And where is Capen Street in relation to the  
9 ELC?

10 A. Capen Street is closer to Dorchester.  
11 Columbia — ELC is closer to like South  
12 Boston, I suppose.

13 Q. Okay. Are you currently employed?

14 A. Yes.

15 Q. And where are you working?

16 A. Crispus Attucks Children's Center.

17 Q. So you haven't changed employment since the  
18 last time of your deposition --

19 A. No.

20 Q. -- correct?

21 Okay. Now you lived with your  
22 mother for quite some time prior to moving to  
23 Capen Street, correct?

24 A. Yes.

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1 A. Yes.  
 2 Q. Who attempted to speak with you?  
 3 A. Two men, two police officers.  
 4 Q. And were they the same police officers who  
 5 you saw the first time or who showed you the  
 6 photographs?  
 7 A. No.  
 8 Q. Okay. Could you describe the two police  
 9 officers for me?  
 10 A. One black, one Caucasian.  
 11 Q. Okay. And where were you when they attempted  
 12 to speak with you?  
 13 MS. SCAPICCHIO: objection, asked  
 14 and answered.  
 15 A. 72 Homestead Street — I mean, excuse me, 67  
 16 Woolson Street in my room.  
 17 Q. Okay. So there was a black police officer  
 18 and a white police officer?  
 19 A. Mm-hmm.  
 20 Q. Is that a yes?  
 21 A. Yes.  
 22 Q. Okay. Did they threaten you?  
 23 A. No.  
 24 Q. Did they intimidate you?

Page 56

1 A. No.  
 2 Q. What did they say to you?  
 3 A. I didn't give them a chance to say anything.  
 4 I told them, "Don't even sit down. You-all  
 5 got to go."  
 6 Q. Okay. So you refused to speak with them?  
 7 A. Yes.  
 8 Q. And they didn't threaten you with arrest?  
 9 A. No.  
 10 Q. How many times have you spoken to Attorney  
 11 Rosemary Scapicchio?  
 12 MS. SCAPICCHIO: Objection, asked  
 13 and answered.  
 14 A. Maybe once or twice.  
 15 Q. When was the first time that you spoke with  
 16 her?  
 17 MS. SCAPICCHIO: objection, asked  
 18 and answered.  
 19 A. I think when that -- around that private eye  
 20 time, I think. I'm not sure, but I know that  
 21 it was brief, whatever contact I had with  
 22 her.  
 23 Q. Did you contact her, or did she contact you?  
 24 A. I believe I'm always the one that would call

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1 her office.  
 2 Q. How did you have her phone number?  
 3 A. I'm not sure if he left the card or I found  
 4 her on my own.  
 5 Q. In any event, you called Rosemary Scapicchio?  
 6 A. Yes.  
 7 Q. And this is at or around the time you were  
 8 meeting with the investigator?  
 9 A. Somewhere around there.  
 10 Q. Okay. And what conversation did you have  
 11 with her?  
 12 MS. SCAPICCHIO: Objection, asked  
 13 and answered.  
 14 A. It was -- it was brief. I don't remember the  
 15 conversation, but it wasn't nothing like, you  
 16 know, drawn put or anything like that.  
 17 Q. Did Ms. Scapicchio tell you that other  
 18 witnesses had been threatened?  
 19 MS. SCAPICCHIO: Objection.  
 20 A. No. You know, I don't even think no one  
 21 else -- I think we were going to court for  
 22 this new trial; that's when I found out about  
 23 other witnesses, what happened to them, like  
 24 being intimidated and stuff.

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1 Q. How'd you find that out?  
 2 A. In the lunchroom talking and things like  
 3 that.  
 4 Q. Did Ms. Scapicchio tell you anything about  
 5 Mary Alexander?  
 6 A. No.  
 7 MS. SCAPICCHIO: objection.  
 8 Q. Did Ms. Scapicchio tell you that Mary  
 9 Alexander was suffering from brain cancer at  
 10 the time that she -- at the time of the trial  
 11 of Shawn Drumgold?  
 12 MS. SCAPICCHIO: objection.  
 13 A. No.  
 14 Q. Were you aware that --  
 15 MR. ROACHE: Well strike that.  
 16 Q. When was the next time you spoke with  
 17 Ms. Scapicchio?  
 18 MS. SCAPICCHIO: objection, asked  
 19 and answered.  
 20 A. I think before I had to come here, like the  
 21 first contact that I had to come here.  
 22 Q. All right. So you received a subpoena to  
 23 appear at a deposition?  
 24 A. Yeah, a notice, subpoena, yeah.

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1 Q. Okay. And why did you contact Rosemary  
 2 Scapicchio?  
 3 MS. SCAPICCHIO: Objection.  
 4 A. Because I wanted to know what it was about,  
 5 what should I do, do I have to go.  
 6 Q. Did you contact anyone else other than  
 7 Ms. Scapicchio?  
 8 A. No.  
 9 Q. Why didn't you contact the name of the  
 10 attorney whose name appeared on the subpoena?  
 11 A. I don't know.  
 12 Q. How did you know to locate Ms. Scapicchio?  
 13 A. Because she's affiliated with the case.  
 14 She's on Shawn Drumgold's side, so who else  
 15 am I going to talk to?  
 16 Q. Okay. How did you know how to contact her?  
 17 A. I believe that private eye left a card or  
 18 something, something with her name or  
 19 something, that he was representing her, so  
 20 that's how I found out about her.  
 21 Q. Did you speak with Ms. Scapicchio at the  
 22 courthouse before you testified at the motion  
 23 for new trial?  
 24 MS. SCAPICCHIO: objection, asked

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1 and answered.  
 2 A. I don't believe so.  
 3 Q. At the time of the trial of Shawn Drumgold  
 4 and Terrance Taylor, were you aware that Mary  
 5 Alexander testified?  
 6 A. After the fact.  
 7 Q. Did you and Mary Alexander have any  
 8 conversation before the trial about her  
 9 testifying?  
 10 A. No.  
 11 Q. So when Mary Alexander testified, you had no  
 12 conversation with her before her testimony?  
 13 A. No.  
 14 MS. SCAPICCHIO: Objection.  
 15 BY MR. ROACHE:  
 16 Q. How did you learn that Mary Alexander  
 17 testified at trial?  
 18 MS. SCAPICCHIO: objection, asked  
 19 and answered.  
 20 A. Talk in the house. Like you hear her mother,  
 21 and you just hear her talking about it.  
 22 Q. And did you talk to her about it?  
 23 A. No.  
 24 Q. But you overheard her talking to her mother?

**EXHIBIT F**

**(2)**



Page 1

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3 -----X  
4 SHAWN DRUMGOLD,  
5 Plaintiff,  
6  
7 V. Case No. 04-11193NG  
8  
9 TIMOTHY CALLAHAN, FRANCIS  
10 M. ROACHE, PAUL MURPHY,  
11 RICHARD WALSH, and THE  
12 CITY OF BOSTON,  
13 Defendants  
14 -----X

15 DEPOSITION OF GEMINI HULLUM, a  
16 witness called to testify by and on behalf of  
17 the Defendants, pursuant to the applicable  
18 rules of the Federal Rules of Civil  
19 Procedure, before M. ELAINE GANSKA, a  
20 Stenographic Reporter and Notary Public in  
21 and for the Commonwealth of Massachusetts, at  
22 the offices of Bonner Kiernan Trebach &  
23 Crociata, Attorneys at Law, One Liberty  
24 Square, Boston, Massachusetts, on Monday,  
February 20, 2006, commencing at 11:15 a.m.

FEDERAL COURT REPORTERS  
781-585-6741 978-335-8333

Page 2

1 APPEARANCES  
2 TOMMASINO & TOMMASINO  
3 BY: MICHAEL W. REILLY, Attorney at Law  
4 Two Center Plaza  
5 Boston, Massachusetts 02108-1904  
6 ON BEHALF OF: The Plaintiff  
7  
8 BONNER KIERNAN TREBACH & CROCIATA  
9 BY: HUGH R. CURRAN, Attorney at Law  
10 One Liberty Square  
11 Boston, Massachusetts 02109  
12 ON BEHALF OF: Defendant Walsh  
13  
14 HOGAN, ROACHE & MALONE  
15 BY: JOHN P. ROACHE, Attorney at Law  
16 66 Long Wharf  
17 Boston, Massachusetts 02110  
18 ON BEHALF OF: Defendants City of Boston  
19 and Roache  
20  
21 MORGAN, BROWN & JOY  
22 BY: MARY JO HARRIS, Attorney at Law  
23 200 State Street  
24 Boston, Massachusetts 02109-2605  
ON BEHALF OF: Defendant Callahan

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E X H I B I T S

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1 STIPULATIONS  
2 It is hereby stipulated and agreed  
3 by and between Counsel for the respective  
4 parties and the Deponent that the Deponent  
5 shall read and sign the deposition transcript  
6 within 30 days of receipt before any Notary  
7 Public.  
8 It is further stipulated that all  
9 objections, except as to form, and motions to  
10 strike are reserved to the time of trial.

PROCEEDINGS

11 MR. CURRAN: Ms. Hullum, my name  
12 is Hugh Curran. I'm an attorney at Bonner  
13 Kiernan Trebach & Crociata. I represent  
14 Richard Walsh in a matter, Shawn Drumgold vs.  
15 Richard Walsh, Timothy Callahan, Francis  
16 Roache, and the City of Boston. You're a  
17 witness in this matter, and you've been  
18 subpoenaed to testify today, and that's why  
19 you are here to testify.  
20 MS. HULLUM: Well I plead the  
21 fifth, so that's what I'm here to let you  
22 know.  
23 MR. CURRAN: Have you had an

Page 5

1 opportunity to obtain counsel?  
2 MS. HULLUM: No, I haven't.  
3 MR. CURRAN: And would you like  
4 that opportunity to obtain counsel?  
5 MS. HULLUM: why would I need to  
6 obtain counsel? I'm not on trial for  
7 anything.  
8 MR. CURRAN: okay. Then that's  
9 the reason why you just can't say you plead  
10 the fifth.  
11 MS. HULLUM: why not? I've  
12 already went to court. I've already  
13 testified. This is a civil matter. It has  
14 nothing to do with me. I'm not suing  
15 anybody, so why would I not be able to plead  
16 the fifth?  
17 MR. CURRAN: I'm not your  
18 attorney. You can decide to do what you  
19 would like to do, but we are representing the  
20 parties in this case. Mr. Reilly represents  
21 Shawn Drumgold, and the other attorneys here  
22 represent individual parties to this  
23 litigation. As a result of Mr. Drumgold  
24 filing a civil action, the parties are

Page 6

1 entitled to discovery. Discovery includes  
2 deposing witnesses. You were a witness in  
3 this case, and we intend to go forward this  
4 morning and ask you questions relative to  
5 your knowledge about this matter. If you  
6 choose not to answer questions, then we will  
7 be forced to file a motion to compel and seek  
8 an order of the Court in the Federal Court.  
9 Are you prepared to go forward  
10 today?  
11 MS. HULLUM: You're Shawn's  
12 lawyer?  
13 MR. REILLY: I am.  
14 MS. HULLUM: Where's Rosemary?  
15 MR. REILLY: She's home with her  
16 sick baby right now.  
17 THE WITNESS: oh, she has the  
18 opportunity to be home with her baby, huh?  
19 MR. REILLY: If you ask me a  
20 question, I'll tell you the answer.  
21 MS. HULLUM: So  
22 what's-her-name - why am I testifying here  
23 today if I've already testified?  
24 MR. REILLY: Because you testified

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EXHIBIT 18

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. No. 04-11193NG

\*\*\*\*\*

SHAWN DRUMGOLD,  
Plaintiff

VS .

TIMOTHY CALLAHAN, FRANCIS M.  
ROACHE, PAUL MURPHY, RICHARD WALSH,  
AND THE CITY OF BOSTON,  
Defendants

\*\*\*\*\*

CONTINUED DEPOSITION OF GEMINI HULLUM, a  
witness called by counsel for the Defendant,  
Richard Walsh, taken pursuant to the applicable  
provisions of the Federal Rules of Civil  
Procedure, before Joann Denning, a Shorthand  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the offices  
of Bonner Kiernan Trebach & Crociata, One  
Liberty Square, Boston, Massachusetts, on  
Thursday, May 11, 2006, commencing at 4 p.m.

{781} 585-6741 FEDERAL COURT REPORTERS {978} 535-8333

<p>313</p> <p>1 A. I don't know.  2 Q. Was it in the year 2003 or was it before that?  3 A. It's possible it could have been the same year.  4 I really don't know.  5 Q. Since your last deposition on February 20th,  6 have you reviewed your deposition transcript?  7 A. Yes, I have. I just told you that.  8 Q. You said it contains many mistakes?  9 A. Yes, it does.  10 Q. What type of mistakes does it contain?  11 A. One, you wrote that I said Romaro Holiday hung  12 on Castlegate. I did not say that. Then in  13 the statement after that it says that I said he  14 traveled through there to get home. So how  15 would I say he hung on there, but then he's  16 traveling through to get home?  17 Q. Did you make out or fill out an errata sheet?  18 A. No, I didn't. It's in here, too. I don't have  19 time to fill that out. I barely had time to go  20 over it. I have three children and I work and  21 I have a full life with a lot of  22 responsibilities besides this.  23 Q. Ms. Hullum, did you speak with anyone from the  24 day of your first deposition to today  (781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333</p>	<p>316</p> <p>1 Rosemary to find out why am I going to keep  2 coming back here because you request that I  3 come back here with some letters from 2001 or  4 2002, whenever it was written.  5 Q. So you had conversation with Mr. Reilly, and he  6 gave you a business card?  7 A. I do believe so, or either he gave me  8 Rosemary's number.  9 Q. He gave you Rosemary's number?  10 A. Either one, I just said.  11 Q. Do you have a card?  12 A. I don't remember.  13 Q. Apart from Ms. Scapicchio, have you spoken to  14 anyone else since February 20th of this year  15 concerning Shawn Drumgold?  16 A. I just told my sister that I have to come down  17 here because of all this and this and that,  18 but, no, not in detail. Like, she doesn't know  19 anything about the case other than the media.  20 Q. Which sister did you speak with?  21 A. My sister Adrienne.  22 Q. Do you still currently reside in Canton —  23 Canton Street?  24 A. Yeah.  (781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333</p>
<p>314</p> <p>1 concerning the contents of your deposition,  2 what you testified to?  3 A. No.  4 Q. Have you spoken to anyone since February 20th,  5 2006, about Shawn Drumgold?  6 A. No. Rosemary, that's it.  7 Q. By Rosemary, are you referring to Rosemary  8 Scapicchio?  9 A. Yes. I call her Rosemary because I don't know  10 how to pronounce her name.  11 Q. When did you speak with Ms. Scapicchio?  12 A. Shortly after being here because I was supposed  13 to be here prior to this, but I was running  14 late and I said I would be here, but they said  15 reschedule because of the other attorneys'  16 scheduling. I called her to ask her why do I  17 have to come back down here. You all keep  18 repeating the same questions over and over to  19 me. I don't want to be bothered. I can come  20 to the trial. I don't need to go through this.  21 Q. Well, why did you call Ms. Scapicchio?  22 A. Because she's Shawn's lawyer and I wanted to  23 know why am I being called down here. That's  24 what I wanted to know, from her, not from you.  (781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333</p>	<p>317</p> <p>1 Q. In Randolph?  2 A. Yes.  3 Q. Who owns that dwelling?  4 A. Her name is Janet Lynch. Why?  5 Q. You testified at the first deposition that you  6 were planning on moving from there.  7 A. I have to move. And what's your point? Why  8 are you asking me my landlord's name? Just  9 like in these transcripts, all these questions  10 about my mother and this and that has nothing  11 to do with this case.  12 Q. Why do you have to move from Randolph?  13 A. Because she wants her place back. That's why.  14 Q. Is it a single family home?  15 A. No, it's not. It's a duplex, two-sided.  16 Q. Does Ms. Lynch live there?  17 A. No, she doesn't. I'm living in where she  18 lived.  19 Q. When do you plan on moving from there?  20 A. When I find a place.  21 Q. Are you currently looking for a place?  22 A. I sure am.  23 Q. Where are you looking?  24 A. Anywhere I want. That's none of your business.  (781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333</p>
<p>315</p> <p>1 Q. Ms. Scapicchio was not present at your  2 deposition, was she?  3 A. So what?  4 Q. Mr. Reilly is representing Shawn Drumgold.  5 A. I don't have his number.  6 Q. How did you have Ms. Scapicchio's number?  7 A. I don't know. I don't remember, but I have it.  8 Oh, you gave me your card when I left here or  9 something like that because I don't have her  10 number just, like, in my phone book or  11 anything. I don't contact her.  12 Q. So Mr. Reilly gave you —  13 A. I think you gave me your card, right, because I  14 told you I wanted to speak to Rosemary.  15 MR. REILLY: They don't let me testify.  16 Q. He can't testify.  17 A. Whatever, testify. When I spoke with him out  18 by the elevator, I was very upset as I relayed  19 to him for being here, you asking me the same  20 questions, whatever you're trying to trap me up  21 or whatever. It's very aggravating. Like I  22 just said, I have a full life and my hands are  23 full with my children by myself.  24 So I told him I wanted to speak to  (781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333</p>	<p>318</p> <p>1 It has nothing to do with this case. It's none  2 of your business.  3 Q. It does, ma'am, because we may have to --  4 A. You can write that down, none of his business.  5 Q. Well, I beg to differ because you may be called  6 as a witness, and we have to have the ability  7 to locate you.  8 A. That has nothing to do with where I live, who  9 my landlord is and, etc., nothing.  10 Q. You testified at the first deposition hearing  11 that you came in contact with Shawn Drumgold  12 through Arlis Evans, is that correct?  13 A. Yeah, it is correct.  14 Q. What was your relationship or what is your  15 relationship with Arlis Evans?  16 A. He has a child with Holland's sister, my kid's  17 father. He's a friend. I know him. That's  18 the relationship. I know him. He's a friend.  19 Q. He has a child with whom?  20 A. With my sister-in-law.  21 Q. How did you communicate with Arlis Evans?  22 A. I wrote him.  23 Q. Did he write you?  24 A. Yeah. I've been writing him off and on during  (781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333</p>

**EXHIBIT F**

**(3)**

VOLUME I  
PAGES 1-105  
EXHIBITS 19-21

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

C.A. No. 04-11193NG

\*\*\*\*\*

SHAWN DRUMGOLD,  
Plaintiff

VS.

TIMOTHY CALLAHAN, FRANCIS M.  
ROACHE, PAUL MURPHY, RICHARD WALSH,  
AND THE CITY OF BOSTON,  
Defendants

\*\*\*\*\*

DEPOSITION OF OLISA GRAHAM, a witness  
called by counsel for the Defendant, Richard  
Walsh, taken pursuant to the applicable  
provisions of the Federal Rules of Civil  
Procedure, before Joann Denning, a Shorthand  
Reporter and Notary Public in and for the  
Commonwealth of Massachusetts, at the offices  
of Bonner Kiernan Trebach & Crociata, One  
Liberty Square, Boston, Massachusetts,  
on Wednesday, May 17, 2006, commencing  
at 10:04 a.m.

(781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333



## STIPULATIONS

It is hereby stipulated and agreed among counsel for the respective parties that the deponent shall read and sign the deposition transcript under the pains and penalties of perjury within 30 days of receipt and that the notarization of signature is waived.

It is further stipulated that all objections, except as to form of the question, and motions to strike shall be reserved until the time of trial.

(Exhibit No. 19, Copy of Subpoena, marked for Identification.)

OLISA GRAHAM, having been satisfactorily identified and duly sworn, on oath, deposes and testifies as follows:

## DIRECT EXAMINATION BY MR. ROACHE

Q. Good morning, Ms. Graham. My name is John Roache. I represent the City of Boston and former Police Commissioner Francis Roache in a lawsuit that was brought by Shawn Drumgold against Timothy Callahan, former Commissioner Roache, Paul Murphy, Richard Walsh, and the City of Boston.  
(781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333

Q. Attached to the subpoena is a Schedule A requesting that you bring any documents that may be responsive to the schedule.

A. Right.

Q. Did you read the Schedule A?

A. Yes, I did.

Q. Did you understand what you were required to bring with you?

A. Yes.

Q. Did you search for any documents that might be responsive to Schedule A?

A. I don't have any documents.

Q. Did you look for any documents?

A. I don't have any. I know I didn't have any.

Q. I just want to make sure for the record. We're going to go through each of the document requests.

MS. SCAPICCHIO: Objection. She just said she didn't have any.

Q. Request No. 1 asks whether or not to bring with you today any and all correspondence between yourself and Shawn Drumgold and/or representatives of Shawn Drumgold.

MS. SCAPICCHIO: Objection, asked and  
(781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333

Each of these attorneys represent one of the defendants, with the exception of Ms. Scapicchio who represents Shawn Drumgold. Do you understand the nature of the lawsuit, what it's all about?

A. No.

Q. Have you ever discussed the lawsuit that was brought in this action? Have you discussed it with anyone?

A. No. I spoke with someone who sent me the summons. I forget her name. But I spoke with her and asked her what it was about. She just told me that.

Q. Prior to your coming to the deposition today you received a subpoena to appear here today?

A. Yes.

Q. I'm going to show you what's been marked as Exhibit No. 19 and ask if that's the subpoena that you received to appear here today, or a copy of the subpoena.

A. A copy of the subpoena. I have the original in my bag.

Q. Would you produce the original, please?

(Document handed to counsel.)

(781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333

answered,

Q. Did you ever have any documents that are responsive to that request?

A. As far as newspaper clippings, I did.

Q. Did you ever correspond with Shawn Drumgold from August of 1988 to the present?

A. No. I saw him when he came home.

Q. Did you ever write him any letters?

A. No.

Q. Did he ever write you any letters?

A. No.

Q. Did you ever speak to him on the telephone from August of 1988 to the present?

A. No.

Q. Did you ever call him on the telephone from August of 1988 to the present?

MS. SCAPICCHIO: Objection. She didn't speak to him. How could she call him?

A. No.

Q. Did he ever call you or attempt to call you —  
MS. SCAPICCHIO: Objection, asked and answered.

Q. -- from August 1988 to the present?

A. No.

(781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333

MR. ROACHE: We can mark that as an exhibit.

(Exhibit No. 20, Original Subpoena with Cover Letter, marked for Identification.)

Q. You produced a cover letter from Bonner Kiernan Trebach & Crociata as well as a subpoena that you received. Did you receive the subpoena in the mail?

A. It was in my home when I got home.

Q. It was in your home?

A. Yeah. I assume they came in the mail.

Q. Do you recall when you received the subpoena?

A. A few days after I spoke with her.

Q. With whom did you speak?

A. I can't remember her name.

Q. Was it the person who sent you this letter?

A. Kate, it could have been.

Q. Did you call this law firm, Bonner Kiernan?

A. No. They contacted me.

Q. They contacted you?

A. Yes.

Q. When you received the subpoena, did you read it?

A. Yes.

(781) 585-6741 FEDERAL COURT REPORTERS (978) 535-8333

Q. Have you received any letters from any attorney on behalf of Shawn Drumgold from August 1988 to the present?

A. When you say from — when the case -- when I went to court.

Q. From 1988, the day that Tiffany Moore was killed, have you spoken to any attorneys on behalf of Shawn Drumgold who were representing Shawn Drumgold?

A. Rosemary.

Q. Rosemary. Who is Rosemary?

A. (Indicating).

Q. Ms. Scapicchio?

A. Yes.

Q. You refer to her as Rosemary?

A. I can't remember her last name.

Q. On how many occasions did you speak with Ms. Scapicchio?

A. When the trial -- was it two years ago, the trial? Two years ago, probably twice.

Q. When you mean the trial, are you referring to the time that you testified at a motion for new trial -

A. Yes.

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**EXHIBIT F**

**(4)**

Page 1

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3 -----X  
4 SHAWN DRUMGOLD,  
5 Plaintiff  
6  
7 v. Case No. 04-11193NG  
8  
9 TIMOTHY CALLAHAN, FRANCIS  
10 M, ROACHE, PAUL MURPHY,  
11 RICHARD WALSH, and THE  
12 CITY OF BOSTON,  
13 Defendants  
14 -----X

15 DEPOSITION OF VANTRELL  
16 MCPHERSON, a witness called to testify by and  
17 on behalf of the Defendants, pursuant to the  
18 applicable rules of the Federal Rules of  
19 Civil Procedure, before M. ELAINE GANSKA, a  
20 Stenographic Reporter and Notary Public in  
21 and for the Commonwealth of Massachusetts, at  
22 the offices of Bonner Kiernan Trebach &  
23 Crociata, Attorneys at Law, One Liberty  
24 Square, Boston, Massachusetts, on Friday,  
March 17, 2006, commencing at 9:40 a.m.

FEDERAL COURT REPORTERS  
781-585-6741 978-535-8333

Page 2

1 APPEARANCES  
2 TOMMASSINO & TOMMASSINO  
3 BY: MICHAEL W. REILLY, Attorney at Law  
4 2 Center Plaza  
5 Boston, Massachusetts 02110  
6 ON BEHALF OF: The Plaintiff

7 BONNER KIERNAN TREBACH & CROCIATA  
8 BY: HUGH R. CURRAN, Attorney at Law  
9 One Liberty Square  
10 Boston, Massachusetts 02109  
11 ON BEHALF OF: Defendant Walsh

12 HOGAN, ROACHE & MALONE  
13 BY: JOHN P. ROACHE, Attorney at Law  
14 66 Long Wharf  
15 Boston, Massachusetts 02110  
16 ON BEHALF OF: Defendants Roache and City  
17 of Boston

18 MORGAN, BROWN & JOY, LLP  
19 BY: MARY JO HARRIS, Attorney at Law  
20 200 State Street  
21 Boston, Massachusetts 02109-2605  
22 ON BEHALF OF: Defendant Callahan

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I N D E X		
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2	VANTRELL MCPHERSON	
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1 STIPULATIONS  
2 It is hereby stipulated and agreed  
3 by and between Counsel for the respective  
4 parties and the Deponent that the reading,  
5 signing, and filing of the deposition  
6 transcript are hereby waived.  
7 It is further stipulated that all  
8 objections, except as to form, and motions to  
9 strike are reserved to the time of trial.

10 PROCEEDINGS  
11 VANTRELL MCPHERSON, a witness  
12 called for examination by Counsel for the  
13 Defendants, having been satisfactorily  
14 identified and duly sworn, was examined and  
15 testified as follows:  
16 EXAMINATION BY MR. ROACHE  
17 Q. Would you please tell us your name?  
18 A. Vantrell Valisa McPherson.  
19 Q. How do you spell that, please?  
20 A. Valisa?  
21 Q. How do you spell it?  
22 A. V-A-L-I-S-A.  
23 Q. One S, one A?  
24 A. Yeah.

Page 5

1 Q. Okay. And McPherson is M-A-C?  
2 A. Yeah — no, no, no, M-C.  
3 Q. M-C, okay. P-H-E-R-S-O-N?  
4 A. Yes.  
5 Q. Okay. Ms. McPherson, have you ever had your  
6 deposition taken before?  
7 A. No -  
8 Q. All right.  
9 A. — not that I know.  
10 Q. You're going to be asked a series of  
11 questions concerning the subject matter of  
12 this litigation by myself and perhaps by  
13 other attorneys --  
14 A. Mm-hmm.  
15 Q. — and we're going to ask you to answer to  
16 the best of your ability. There will be no  
17 trick questions. We're not trying to sneak  
18 up on you. We're just going to ask you  
19 simple questions. If you answer to those  
20 questions, we assume by your answering that  
21 you understand the question and are answering  
22 it truthfully.  
23 A. Mm-hmm.  
24 Q. Now in order to answer the question, as you

Page 6

1 see, we have a court stenographer here --  
2 A. Yeah.  
3 Q. -- so you must verbalize your answers. In  
4 other words, you cannot shake your head or  
5 nod your head or say mm-hmm or huh-uh. You  
6 have to answer yes, no, or in word form so  
7 that the stenographer can take it down  
8 accurately.  
9 A. Okay.  
10 Q. Do you understand that?  
11 A. Yes.  
12 Q. Okay. Now since you've never had your  
13 deposition taken before, you may hear at some  
14 point one or more lawyers objecting to a  
15 question. You are to answer that question  
16 despite the objection because we have  
17 stipulated that all objections except to the  
18 form of the question will be reserved until  
19 time of trial. That's legalese for saying  
20 you do answer the question despite anyone  
21 objecting to it. Do you understand that?  
22 A. Yes.  
23 Q. Okay. Have you consumed any drugs or  
24 medication within the last 24 hours?

Page 19

1 testified at this motion for new trial that  
 2 these investigators spoke with you?  
 3 A. Ask me the question again?  
 4 Q. How long before you testified at the motion  
 5 for new trial did you speak to these  
 6 investigators?  
 7 A. I don't know how long it was. I don't know.  
 8 Q. You don't know?  
 9 A. No, I don't remember.  
 10 Q. Okay. Do you remember the date you testified  
 11 at the motion for new trial?  
 12 A. No.  
 13 Q. Do you remember your testimony at the motion  
 14 for new trial? Do you remember what you  
 15 testified to?  
 16 A. Yes.  
 17 Q. Okay. Now if I were to tell you that you  
 18 testified on July 29th of 2003, does that  
 19 help you remember as to when you may have  
 20 spoken to some investigators?  
 21 A. No.  
 22 Q. It does not?  
 23 A. No.  
 24 Q. Okay. How many investigators were there?

Page 20

1 A. Two.  
 2 Q. Can you describe them for me?  
 3 A. No.  
 4 Q. Were they --  
 5 A. They were white.  
 6 Q. Were they white gentlemen?  
 7 A. Yes.  
 8 Q. Were they both gentlemen?  
 9 A. Yeah.  
 10 Q. Okay. Did they wear jackets and ties?  
 11 A. Yes.  
 12 Q. Okay. Do you recall the names of either of  
 13 the gentlemen?  
 14 A. No.  
 15 Q. Do you recall the name of Scott Keller?  
 16 A. No.  
 17 Q. Do you recall the name of Thomas O'Leary?  
 18 A. No.  
 19 Q. Would you be able to identify these  
 20 investigators if you were shown pictures of  
 21 them?  
 22 A. No.  
 23 Q. Okay. Prior to your testifying at the motion  
 24 for new trial, did you have a conversation

Page 21

1 with an attorney by the name of Rosemary  
 2 Scapicchio?  
 3 A. Yes.  
 4 Q. On how many occasions did you speak to  
 5 Rosemary Scapicchio before the motion for new  
 6 trial?  
 7 A. I spoke to her the day of the -- the day of  
 8 the trial.  
 9 Q. The day of the trial?  
 10 A. Yes.  
 11 Q. And did you speak to her at any time before  
 12 that?  
 13 A. I think I did when they was -- they told me I  
 14 had to go to court.  
 15 Q. And who told you that you had to go to court?  
 16 A. She was -- I think I spoke to Ms. Rosemary  
 17 about going to court --  
 18 Q. Okay.  
 19 A. -- and I had to testify.  
 20 Q. On how many occasions did you speak with  
 21 Ms. Scapicchio about going to court?  
 22 A. I think it was just once.  
 23 Q. Okay. Where were you when you spoke with  
 24 her?

Page 22

1 A. It was over the phone. She was on the phone.  
 2 Q. And you spoke one time?  
 3 A. Mm-hmm.  
 4 Q. Did you have any conversation with  
 5 Ms. Scapicchio about signing an affidavit?  
 6 A. That sounds familiar, yeah.  
 7 Q. That sounds familiar?  
 8 A. Mm-hmm.  
 9 Q. Did you give either Ms. Scapicchio or any  
 10 investigator any information concerning your  
 11 knowledge about testifying at the original  
 12 trial of Shawn Drumgold?  
 13 A. Did I give the investigator?  
 14 Q. Right  
 15 A. Any information?  
 16 Q. Right.  
 17 A. No.  
 18 Q. Okay.  
 19 A. The conversation wasn't about that.  
 20 Q. Do you recall signing an affidavit?  
 21 A. Yes.  
 22 Q. Okay. Do you recall when it was that you  
 23 signed --  
 24 A. No.

Page 23

1 Q. -- the affidavit?  
 2 A. No.  
 3 Q. Do you recall who gave you the affidavit --  
 4 A. No.  
 5 Q. -- to sign?  
 6 Who requested that you signed an  
 7 affidavit?  
 8 A. I don't remember.  
 9 Q. Was it Ms. Scapicchio?  
 10 A. I don't remember.  
 11 Q. Okay. Who prepared the affidavit?  
 12 A. I don't know.  
 13 Q. Did you prepare it?  
 14 A. No.  
 15 Q. Did you write it?  
 16 A. The affidavit?  
 17 Q. Yes.  
 18 A. No. Somebody must have printed it. I didn't  
 19 write nothing.  
 20 Q. Okay. Did you supply anyone any information  
 21 concerning the contents of the affidavit?  
 22 A. Ask that question again?  
 23 Q. Did you speak to anyone before you signed the  
 24 affidavit about the information that was

Page 24

1 contained in the affidavit?  
 2 A. No, I don't recall.  
 3 Q. You don't recall?  
 4 A. Hmm-mm.  
 5 Q. But you do you recall signing an affidavit?  
 6 A. Yes.  
 7 Q. Okay. Do you recall where you were when you  
 8 signed it?  
 9 A. No.  
 10 Q. Did you sign it at home?  
 11 A. I don't remember. I don't remember.  
 12 Q. Did you sign it at someone's office?  
 13 A. I don't remember.  
 14 Q. Okay. But you do remember signing the  
 15 affidavit?  
 16 A. Yeah.  
 17 Q. Okay.  
 18 MR. ROACHE: Mark that as the next  
 19 exhibit, please.  
 20 (Affidavit of Vantrell McPherson  
 21 marked Deposition Exhibit Number 2  
 22 for identification)  
 23 Q. Ms. McPherson, I'm going to show you what has  
 24 been marked as Exhibit Number 2 which is a